

RICHARD J. HAYDEN
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ISBA # 3481

Of Attorney for FORD MOTOR CREDIT COMPANY

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO AT TWIN FALLS

In re:

LYNN KETTERLING dba
KETTERLING FARMS and
JEANNE KETTERLING,

Debtor.

CHAPTER 7

NO. 03-41318

AMENDED NOTICE OF MOTIONS FOR
RELIEF FROM STAY PURSUANT TO TITLE
11 USC § 362(d)(1)(2); BR 4001(a);
REQUEST FOR ADEQUATE PROTECTION
PURSUANT TO §§363(e); 361(1); AND
WAIVER UNDER FRBP 4001
(Amended as to Chapter & Trustee only)

TO: DEBTOR; D. BLAIR CLARK, YOUR ATTORNEY; ALL PARTIES IN INTEREST:

PLEASE TAKE NOTICE THAT FORD MOTOR CREDIT COMPANY ("FMCC") has moved the Court for an order allowing relief of the automatic stay, pursuant to Title 11 USC § 362(d)(1)(2). The moving party will also request that it have adequate protection, pursuant to §§ 363(3) and 361(1), and that it have an immediate cash payment equivalent to all arrearages due should an order allowing relief of stay not be granted.

The grounds for the motion are Title 11 USC §§ 362(d)(1) and (2), 363(e), and 361(1); and LR 4001.

Pursuant to FRBP 4001, FMCC specifically alleges that:

- (1) It holds a perfected secured interest in a 1999 FORD 4X4 EXPEDITION, VIN #1FMPU18L3XLC47394;
- (2) That there are no prior claims or encumbrances against the vehicle except for the secured interest held by FMCC;
- (3) The debtor shows no indication of paying the debt;
- (4) The debtor has not provided adequate protection to FMCC of its interest in the debtor's property and the value of the moving party's secured claim is substantially deteriorating;

AMENDED NOTICE OF MOTION -1-

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(5) The moving party is entitled to relief for cause for lack of payment and proof of insurance; the collateral of the moving party is not necessary to an effective reorganization; the debtor is \$2,691.10 delinquent at state law.

(6) The value of this collateral varies, but the relevant trade book shows a value of \$16,825.00. The debtor owes \$7,743.26.

PLEASE TAKE FURTHER NOTICE THAT the moving party will also ask the court to otherwise make its order effective upon filing pursuant to FRBP 4001 to allow immediate enforcement. The ten-day stay of 4001 shall be deemed waived.

PLEASE TAKE FURTHER NOTICE that pursuant to 11 U.S.C. § 362(e), the stay will be automatically lifted as to the debtor and estate in the absence of an order maintaining such stay and continuing it in effect.

SHOULD YOU OBJECT TO THIS MOTION FOR RELIEF or any other relief sought, you must comply with FRBP 4001 and LBR 4001.2 and be prepared to make the appropriate representations to the Bankruptcy Court at hearing at the SNAKE RIVER ADJUDICATION DISTRICT COURT, 253 3RD AVENUE N., TWIN FALLS, ID; and object by filing an objection, in writing, with the specific grounds for your objection, and request for hearing with the CLERK OF THE COURT, U.S. COURTHOUSE, 801 E. SHERMAN, POCA TELLO, ID 83201, and serve a copy of your objection on the movant and upon all parties receiving service of the motion no later than 17 days from the date of this notice. You must also obtain a hearing date and time you will appear and provide written notice of the hearing time set to the movant at the address below.

SHOULD YOU FAIL TO OBJECT, and request a hearing as set out in this notice within the time set forth above, your objection may be deemed waived and the above, relief requested may be granted without further notice to you on an *ex parte* basis.

DATED this 28th day of January, 2004.

RICHARD J. HAYDEN, P.S.
A Professional Service Corp.

By: 

RICHARD J. HAYDEN
Attorney for FMCC
For the Firm

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AMENDED NOTICE OF MOTION -2-

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CERTIFICATE OF MAILING

I HEREBY CERTIFY under penalty of perjury that on the 28th day of January, 2004, I served a true and correct copy of the NOTICE OF RELIEF FROM STAY upon D. BLAIR CLARK, P.O. BOX 2773, BOISE, ID 83701-2773; LYNN KETTERLING dba KETTERLING FARMS and JEANNE KETTERLING, 100 N. 160 W., RUPERT, ID 83350; R SAM HOPKINS, P.O. BOX 3014, POCA TELLO, ID 83201-3014; the U.S. TRUSTEE, 304 N 8th ST, STE 347, BOISE, ID 83702; and all individuals who requested Special Notice, pursuant to LBR 2002, by depositing the same in the United States mail, postage prepaid, addressed to the above-referenced parties.


Heidi Claytor

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